

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

RAYMOND DOUGLAS,

Plaintiff,

v.

SACRAMENTO JOB CORPS CENTER,

Defendant.

No. 2:21-cv-02285-DAD-JDP (PS)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS

(Doc. Nos. 16, 17, 25)

Plaintiff Raymond Douglas is proceeding *pro se* in this civil action, which defendant removed to this federal court on December 10, 2021. (Doc. No. 1.) This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 30, 2023, the assigned magistrate judge issued findings and recommendations recommending that defendant's motion to dismiss this action (Doc. No. 17) be granted, with leave to amend, and that plaintiff's motion to remand (Doc. No. 16) be denied. (Doc. No. 25.) The findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 11.) On June 13, 2023, plaintiff filed objections to the findings and recommendations. (Doc. No. 26.) Defendant did not file a response thereto or objections of its own.

In his objections, plaintiff states that he objects to the findings and recommendations based on Rule 403 of the Federal Rules of Evidence because of "unfair prejudice, confusion of

1 the issues[,] and needlessly presenting cumulative evidence.” (Doc. No. 26 at 15.) However,  
2 plaintiff does not meaningfully address the analysis in the findings and recommendations.  
3 Rather, plaintiff merely states that he “reiterates” what he provided to the magistrate judge, and in  
4 his objections, plaintiff block quotes large sections of his arguments from his motion to remand  
5 and his opposition to defendant’s motion to dismiss. (*Id.* at 3–14.) However, the magistrate  
6 judge already addressed plaintiff’s arguments and properly concluded that plaintiff’s claims must  
7 be dismissed for lack of jurisdiction, though as explained in the findings and recommendations,  
8 this dismissal is without prejudice “[i]n light of plaintiff’s *pro se* status, his choice of forum in  
9 state court, and the possibility that he intended to name the Sacramento Job Corps Center’s  
10 operator or its employees as defendants in this action.” (*Id.* at 11.) In short, plaintiff’s objections  
11 provide no basis upon which to reject the pending findings and recommendations. Thus, the  
12 undersigned will grant defendant’s motion to dismiss, with leave to amend, and will deny  
13 plaintiff’s motion to remand this action.

14 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a  
15 *de novo* review of the case. Having carefully reviewed the entire file, including plaintiff’s  
16 objections, the court concludes that the findings and recommendations are supported by the  
17 record and by proper analysis.

18 Accordingly,

- 19 1. The findings and recommendations issued on May 30, 2023 (Doc. No. 25) are  
20 adopted in full;
- 21 2. The motion to dismiss filed by defendant (Doc. No. 17) is granted, with leave to  
22 amend;
- 23 3. Plaintiff’s motion to remand (Doc. No. 16) is denied;
- 24 4. Within twenty-eight (28) days from the date of entry of this order, plaintiff may  
25 file a third amended complaint;
- 26 5. Plaintiff is advised that his failure to file a third amended complaint within the  
27 time provided will result in the dismissal of this action; and

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1       6. This action is referred back to the assigned magistrate judge for further  
2                   proceedings.

3                   IT IS SO ORDERED.

4                   Dated: July 20, 2023

  
5                   UNITED STATES DISTRICT JUDGE

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